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EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,405

Applicant(s)

HAUMONT, SERGE

Examiner

Lisa Hashem

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-23-06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 recites the limitation "the access point name". There is insufficient antecedent basis for this limitation in the claim. Examiner assumes 'an access point name'.
3. Claim 5 recites the limitation "the charging characteristics". There is insufficient antecedent basis for this limitation in the claim.
4. Claim 12 recites the limitation "the authentication". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-8, 10-16, and 18-25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,393,269 by Hartmaier et al, hereinafter Hartmaier.

Regarding claim 1, Hartmaier discloses a method of determining services accessible via a subscription having an account (e.g. pre-paid subscriber account) and at least a first limit (e.g.

Art Unit: 2614

predetermined minimum account threshold) in a communication system (Fig. 1) (see Abstract; col. 2, lines 8-32; col. 2, lines 49-53; col. 10, lines 5-39), the method comprising:

defining at least a first set of services (e.g. telephony services) and a second set of services (e.g. replenishment of the account, calls with special rates) (col. 8, line 18 – col. 9, line 25; col. 10, lines 5-39);

comparing the balance of the account with the first limit (col. 2, lines 17-32; col. 5, lines 4-18; col. 7, line 54 – col. 8, line 34);

using the first set of services (e.g. making or receiving a call) when the balance of the account does not reach the first limit (e.g. sufficient account balance) (col. 5, lines 4-18; col. 8, line 35 – col. 9, line 25); and

using the second set of services (e.g. replenishment of the account, calls with special rates) when the balance reaches the first limit (e.g. threshold is reached) (col. 2, lines 17-32; col. 8, lines 18-34; col. 10, lines 21-32).

Regarding claim 2, a method as claimed in claim 1, wherein Hartmaier further discloses the method further comprising:

using in the communication system (Fig. 1) access point names to define where and how to connect the user of the subscription (col. 3, lines 54-59; col. 5, lines 4-18);

selecting during connection activation an access point name to be used with this connection (col. 5, lines 4-6);

defining a first access point name (e.g. SCP) for the first set of services (col. 4, lines 13-17); and

defining a second access point name for the second set of services (col. 2, lines 17-32).

Regarding claim 4, a method as claimed in claim 1, wherein Hartmaier further discloses the method further comprising defining accessible services via a set of services by defining at least a range of allowed addresses for the set of services (e.g. call restrictions for certain phone numbers) (col. 2, lines 23-26; col. 10, lines 5-65).

Regarding claim 5, a method as claimed in claim 1, wherein Hartmaier further discloses the method further comprising the step of indicating the set of services which is to be used by the charging characteristics to be applied (col. 2, lines 17-32; col. 8, lines 32-34).

Regarding claim 6, a method as claimed in claim 1, wherein Hartmaier further discloses the second set of services comprising services free of charge (col. 10, lines 21-32).

Regarding claim 7, a method as claimed in claim 1, wherein Hartmaier further discloses the second set of services being a subset of the first set of services (col. 10, lines 21-32).

Regarding claim 8, a method as claimed in claim 1, wherein Hartmaier further discloses the method further comprising informing the user of the subscription of the services accessible via the second set of services in response to using the second set of services (col. 8, lines 32-34; col. 10, lines 21-32).

Regarding claim 10, a method as claimed in claim 1, wherein Hartmaier further discloses the subscription is a prepaid subscription;
the first limit is the preset minimum value for the account; and
the balance of the account indicates the amount of money the subscriber still has in use (col. 1, lines 28-36; col. 2, lines 8-23; col. 5, lines 4-18).

Art Unit: 2614

Regarding claim 11, a method as claimed in claim 10, wherein Hartmaier further discloses at least the second set of services comprises a deposition service (col. 2, lines 17-32; col. 7, line 54 – col. 8, line 34).

Regarding claim 12, a method as claimed in claim 11, wherein Hartmaier further discloses the depositing service utilizes the authentication of the communication system when authenticating the one who wants to deposit (col. 2, lines 27-32).

Regarding claim 13, Hartmaier discloses a communication system (Fig. 1) providing a subscription with an account (e.g. pre-paid subscriber account) and at least a first limit (e.g. predetermined minimum account threshold) (see Abstract; col. 2, lines 8-32; col. 2, lines 49-53; col. 10, lines 5-39),

the communication system (Fig. 1) comprising:

a first node (e.g. SCP with call monitoring module) monitoring the balance of the account (col. 2, lines 17-32; col. 5, lines 4-18; col. 7, line 54 – col. 8, line 34),

wherein the communication system comprises memory for storing definitions of at least a first set of services (e.g. telephony services) and a second set of services (e.g. replenishment of the account, calls with special rates) to be used with the subscription (col. 8, line 18 – col. 9, line 25; col. 10, lines 5-39),

each set of services defining services accessible via the subscription (col. 8, line 18 – col. 9, line 25; col. 10, lines 5-39); and

the communication system is arranged to compare the balance with the first limit and to allow access to the first set of services (e.g. making a call or receiving a call) when the balance has not

Art Unit: 2614

reached the first limit (e.g. sufficient account balance) (col. 5, lines 4-18; col. 8, line 35 – col. 9, line 25), and
to allow access to the second set of services (e.g. replenishment of the account, calls with special rates) when the balance has reached the first limit (e.g. threshold is reached) (col. 2, lines 17-32; col. 8, lines 18-34; col. 10, lines 21-32).

Regarding claim 14, a communication system as claimed in claim 13, wherein Hartmaier further discloses
the first node is arranged to perform the comparison during connection activation and to indicate which set of services is to be used with the connection; and
in response to a connection with access to the first set of services to inherently trigger deactivation of the connection when the balance reaches the first limit
(col. 7, line 54 – col. 8, line 34).

Regarding claim 15, a communication system as claimed in claim 13, wherein Hartmaier further discloses the communication system further comprises a second node (e.g. MSC) maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (col. 3, lines 54-63; col. 4, lines 9-28; col. 5, lines 1-18; col. 10, lines 5-17);
the first node is arranged to perform the comparison and in response to the balance reaching the first limit to direct the second node to set the second set of services as the allowed set of services and in response to the balance, not any more reaching the first limit after reaching the first limit, to direct the second node to set the first set of services as the allowed set of services (col. 7, line 54 – col. 8, line 34); and

Art Unit: 2614

the second node is arranged to send at least information on the allowed set of services as a part of the subscription information to the communication system during connection activation; in response to a received direction from the first node to modify the first indication to correspond to the received direction; and in response to modifying the allowed set of services of an active connection to trigger deactivation of the connection (col. 5, lines 2-18; col. 7, line 54 – col. 8, line 34).

Regarding claim 16, a communication system as claimed in claim 15, wherein Hartmaier further discloses the subscription information maintained in the second node further includes at least identification information on the first and second set of services and the indication indicates which one of the sets of services is the allowed set of services (col. 5, lines 2-18; col. 7, line 54 – col. 8, line 34).

Regarding claim 18, Hartmaier discloses a network node (e.g. SCP with a call monitoring module) (Fig. 1: 101, 102, 110) in a communication system (Fig. 1) providing a subscription with an account (e.g. pre-paid subscriber account) and at least a first limit (e.g. predetermined minimum account threshold) (see Abstract; col. 2, lines 8-32; col. 2, lines 49-53; col. 10, lines 5-39),

the network node being arranged to monitor the balance of the account (col. 2, lines 17-32; col. 5, lines 4-18; col. 7, line 54 – col. 8, line 34),

wherein the network node is arranged to compare the balance with the first limit and to allow access to a first set of services (e.g. making or receiving a call) when the balance does not reach the first limit (e.g. sufficient account balance) (col. 5, lines 4-18; col. 8, line 35 – col. 9, line 25), and

Art Unit: 2614

to allow access to a second set of services (e.g. replenishment of the account, calls with special rates) when the balance reaches or has reached the first limit (e.g. threshold is reached) (col. 2, lines 17-32; col. 8, lines 18-34; col. 10, lines 21-32),
both sets of services defining services accessible via the subscription
(col. 2, lines 8-32; col. 2, lines 49-53; col. 10, lines 5-39).

Regarding claim 19, Hartmaier discloses a network node (e.g. SCP with a call monitoring module) (Fig. 1: 101, 102, 110) in a communication system (Fig. 1) providing a subscription with an account (e.g. pre-paid subscriber account) and at least a first limit (e.g. predetermined minimum account threshold) (see Abstract; col. 2, lines 8-32; col. 2, lines 49-53; col. 10, lines 5-39),
the network node being arranged to monitor the balance of the account (col. 2, lines 17-32; col. 5, lines 4-18; col. 7, line 54 – col. 8, line 34),
wherein the network node is arranged to communicate with a second network node (e.g. MSC) (section 0059, line 1 – section 0060, line 23);
to compare the balance with the first limit (col. 2, lines 17-32; col. 5, lines 4-18; col. 7, line 54 – col. 8, line 34); and
to indicate to the second network node which set of services from among at least two different sets of services (e.g. telephony services, replenishment of the account, calls with special rates) defined for the subscription is the allowed set of services on the basis of said comparison,
each set of said at least two different sets of services defining services accessible via the subscription (col. 2, lines 8-32; col. 2, lines 49-53; col. 7, line 54 – col. 8, line 34; col. 10, lines 5-39).

Regarding claim 20, a network node as claimed in claim 19, wherein Hartmaier further discloses the network node is arranged to indicate the allowed set of services in response to the balance reaching the limit and in response to the balance not any more reaching the limit (col. 5, lines 1-18; col. 7, line 54 – col. 8, line 34; col. 10, lines 5-39).

Regarding claim 21, Hartmaier discloses a network node (e.g. MSC) in a communication system (Fig. 1) providing a subscription (col. 4, lines 9-37; col. 5, lines 4-18), wherein the network node is arranged to receive from the communication system an indication indicating the use of a certain set of services from among at least two different sets of services (e.g. telephony services, replenishment of the account, calls with special rates) defined for the subscription, each set of said at least two different sets of services defining services accessible via the subscription; and in response to receiving the indication to provide access only to services included in the indicated certain set of services (col. 2, lines 8-32; col. 2, lines 49-53; col. 7, line 54 – col. 8, line 34; col. 10, lines 5-39).

Regarding claim 22, a network node as claimed in claim 21, wherein Hartmaier further discloses the network node is arranged, in response to receiving the indication, to inform the user of the subscription of the services accessible via the indicated certain set of services (col. 6, line 32 – col. 8, line 34; col. 10, lines 5-39).

Regarding claim 23, a network node as claimed in claim 21, wherein Hartmaier further discloses the network node is arranged to receive an access point name (e.g. SCP with call monitoring module) as the indication of the set of services,

Art Unit: 2614

the access point name being used in the communication system to define where and how to connect the user of the subscription (col. 3, lines 54-59; col. 4, lines 13-17; col. 5, lines 4-18).

Regarding claim 24, a network node as claimed in claim 21, wherein Hartmaier further discloses the network node is an application server or switch (col. 3, line 54 – col. 4, line 8).

Regarding claim 25, Hartmaier discloses a method of determining services accessible via a subscription having an account (e.g. pre-paid subscriber account) and at least a predetermined first limit (e.g. predetermined limit) in a communication system (Fig. 1),

the method comprising:

maintaining definitions of at least a first set of services (e.g. telephony services) and a second set of services (e.g. replenishment of the account, calls with special rates) to be used with the subscription, each set of services defining services accessible via the subscription (col. 2, lines 8-32; col. 2, lines 49-53; col. 7, line 54 – col. 8, line 34; col. 10, lines 5-39),

the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber (col. 10, lines 5-39);

comparing during connection activation, the balance of the account with the first limit;

deciding, during connection activation and on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used;

using the first set of services (e.g. making a call or receiving a service) when the balance of the account does not reach the first limit (e.g. sufficient account balance) (col. 5, lines 4-18; col. 8, line 35 – col. 9, line 25); and

Art Unit: 2614

using the second set of services (e.g. replenishment of the account, calls with special rates) when the balance reaches the first limit (col. 2, lines 8-32; col. 2, lines 49-53; col. 7, line 54 – col. 8, line 34; col. 10, lines 5-39).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier, as applied to claim 1, in view of U.S. Patent No. 6,097,948 by Sjodin et al, hereinafter Sjodin.

Regarding claim 3, a method as claimed in claim 1, wherein Hartmaier does not disclose a firewall.

Sjodin discloses a method of determining services accessible via a subscription in a communication system (Fig. 1) (col. 7, lines 47-54), the method further comprising: the communication system comprising a firewall (e.g. a system designed to prevent un-authorized access to or from a private network); and defining accessible services via a set of services by defining at least a firewall configuration for the set of services (col. 7, lines 47-54; col. 10, lines 53-61; col. 11, lines 8-40; col. 13, line 17 – col. 14, line 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hartmaier to include a firewall as taught by Sjodin. One of

Art Unit: 2614

ordinary skill in the art would have been lead to make such a modification to provide a restrictive screening policy in order to restrict access of a certain application.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier, as applied to claim 1, in view of U.S. Patent No. 6,320,947 by Joyce et al, hereinafter Joyce.

Regarding claim 9, a method as claimed in claim 1, wherein Hartmaier does not disclose the subscription is a postpaid subscription.

Joyce discloses a method of determining services accessible via a subscription (fee-based service) having an account (e.g. post-paid subscriber account) (col. 3, line 52 – col. 4, line 42) and at least a first limit (e.g. predetermined limit) in a communication system (Fig. 1) (col. 3, lines 52-65; col. 4, line 61 – col. 5, line 7; col. 7, line 58 – col. 8, line 11).

Joyce further discloses the subscription is a postpaid subscription (col. 5, line 63 – col. 6, line 3; col. 7, line 58 – col. 8, line 11); the first limit is the maximum allowed amount of the bill (col. 9, line 50 – col. 10, line 21); and the balance of the account indicates the amount of the bill to be charged from the subscription (col. 7, line 58 – col. 8, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hartmaier to include the subscription is a postpaid subscription as taught by Joyce. One of ordinary skill in the art would have been lead to make such a modification to provide a postpaid subscription wherein the subscription allows access to chargeable services until a bill reaches the limit.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier, as applied to claim 1, in view of U.S. Patent No. 6,711,147 by Barnes et al, hereinafter Barnes.

Art Unit: 2614

Regarding claim 17, a communication system as claimed in claim 13, wherein Hartmaier further discloses the communication system supports a PSTN, digital network, and stand-alone computers (col. 2, lines 33-48; col. 4, lines 13-37).

Hartmaier does not disclose the communication system supports the General Packed Radio Service (GPRS); and the connection is activated by activating a PDP context.

Barnes discloses a network, system, and method for merging GPRS and mobile IP. Wherein the wireless communication system supports the GPRS service and GPRS allows a mobile node to communicate with networks such as, the Internet or PSTN. The connection is activated by activating a PDP context (column 1, lines 54-64; column 2, line 65 – column 3, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hartmaier to include a packet service such as GPRS as taught by Barnes. One of ordinary skill in the art would have been lead to make such a modification since the development of GPRS in the GSM mobile communication system allows packet data transmission between mobile data terminals and external data networks.

Response to Arguments

11. Applicant's arguments, see Amendment, filed 6-23-2006, with respect to the rejection(s) of claim(s) 1-25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see all rejection(s) above.

12. The Abstract filed on 6-23-06 is acknowledged.

13. Accordingly, this action is **NON-FINAL**.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

15. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Application/Control Number: 10/089,405

Page 15

Art Unit: 2614

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

September 13, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600